

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND, JUNE 18, 2019

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APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUR-2019-00087

For revision of rate adjustment clause: Rider R,
Bear Garden Generating Station

ORDER FOR NOTICE AND HEARING

On May 31, 2019, Virginia Electric and Power Company d/b/a Dominion Energy Virginia ("Dominion" or "Company"), pursuant to § 56-585.1 A 6 of the Code of Virginia ("Code"), filed with the State Corporation Commission ("Commission") an annual update of the Company's rate adjustment clause, Rider R ("Application"). Through its Application, the Company seeks to recover costs associated with the Bear Garden Generating Station ("Bear Garden Project" or "Project"), a natural gas- and oil-fired combined-cycle electric generating facility and associated transmission interconnection facilities located in Buckingham County, Virginia.¹

In 2009, the Commission approved Dominion's construction and operation of the Bear Garden Project and also approved a rate adjustment clause, designated Rider R, for the Company

¹ Application at 1.

to recover costs associated with the construction of the Project.² The Bear Garden Project became fully operational in May 2011.³

In this proceeding, Dominion has asked the Commission to approve Rider R for the rate year beginning April 1, 2020, and ending March 31, 2021 ("2020 Rate Year").⁴ The two components of the proposed total revenue requirement for the 2020 Rate Year are the Projected Cost Recovery Factor and the Actual Cost True-Up Factor.⁵ The Company is requesting a Projected Cost Recovery Factor revenue requirement of \$57,916,000 and an Actual Cost True-Up Factor revenue requirement of (\$8,661,000).⁶ Thus, the Company is requesting a total revenue requirement of \$49,256,000 for service rendered during the 2020 Rate Year.⁷ Dominion notes that it calculated this revenue requirement using an updated lead/lag study and requests that any issues related to the updated lead/lag study be litigated in Case No. PUR-2019-00086, the Rider GV docket.⁸

² *Id.* at 2-3; *Application of Virginia Electric and Power Company, For a certificate to construct and operate a generating facility; for certificates of public convenience and necessity for a transmission line: Bear Garden Generating Station and Bear Garden-Bremo 230 kV Transmission Interconnection Line*, Case No. PUE-2008-00014, 2009 S.C.C. Ann. Rept. 296, Final Order (Mar. 27, 2009); *Application of Virginia Electric and Power Company, For Approval of a Rate Adjustment Clause for Recovery of the Costs of the Bear Garden Generating Station and Bear Garden-Bremo 230 kV Transmission Interconnection Line*, Case No. PUE-2009-00017, 2009 S.C.C. Ann. Rept. 416, Order Approving Rate Adjustment Clause (Dec. 16, 2009).

³ Application at 4.

⁴ *Id.* at 4, 6-7.

⁵ *Id.* at 7.

⁶ *Id.* at 7-8; Direct Testimony of Christopher J. Lee at 9.

⁷ Application at 8; Direct Testimony of Christopher J. Lee at 10. Alternatively, Dominion requests a rate effective date for usage on the first day of the month that is at least 15 days following the date of any Commission order approving Rider R, if such date is later than April 1, 2020. Application at 9.

⁸ Application at 8. *See Application of Virginia Electric and Power Company, For revision of rate adjustment clause: Rider GV, Greensville County Power Station*, Case No. PUR-2019-00086, Doc. Con. Cen. No. 190570017, Application (May 31, 2019).

For purposes of calculating the Projected Cost Recovery Factor in this case, Dominion utilized an enhanced rate of return on common equity ("ROE") of 11.75%. This ROE comprises a general ROE of 10.75% for which the Company has requested Commission approval in Case No. PUR-2019-00050, plus a 100 basis point enhanced return applicable to a combined-cycle generating station as described in Code § 56-585.1 A 6.⁹ For purposes of calculating the Actual Cost True-Up Factor, the Company utilized an enhanced ROE of 10.2%. This ROE comprises the general ROE of 9.2% for the period of January 1, 2018, through December 31, 2018, as approved by the Commission in its November 29, 2017 Final Order in Case No. PUR-2017-00038, plus the 100 basis point enhanced return.¹⁰

If the proposed Rider R for the 2020 Rate Year is approved, the impact on customer bills would depend on the customer's rate schedule and usage. According to Dominion, implementation of its proposed Rider R on April 1, 2020, would decrease the bill of a residential customer using 1,000 kilowatt hours per month by approximately \$0.12.¹¹ The Company indicates it has calculated the proposed Rider R rates in accordance with the same methodology as used for rates approved by the Commission in the most recent Rider R proceeding, Case No.

⁹ Application at 6; Direct Testimony of Christopher J. Lee at 3. *See Application of Virginia Electric and Power Company, For the determination of the fair rate of return on common equity pursuant to § 56-585.1:1 C of the Code of Virginia*, Case No. PUR-2019-00050, Doc. Con. Cen. No. 190360065, Application at 4-5 (Mar. 29, 2019) ("2019 ROE Application").

¹⁰ Application at 6; Direct Testimony of Christopher J. Lee at 3-4. *See Application of Virginia Electric and Power Company, For the determination of the fair rate of return on common equity to be applied to its rate adjustment clauses*, Case No. PUR-2017-00038, 2017 S.C.C. Ann. Rept. 475, Final Order (Nov. 29, 2017).

¹¹ Application at 9; Direct Testimony of Emilia L. Catron at 4.

PUR-2018-00085, though certain parameters have changed due to competitive market conditions and the option for Large General Service customers to select a competitive service provider.¹²

Dominion also requests a waiver of Rules 20 VAC 5-201-60 ("Rule 60") and 20 VAC 5-201-90 ("Rule 90") of the Rules Governing Utility Rate Applications and Annual Informational Filings ("Rate Case Rules") with respect to Schedule 45.¹³ Rule 60 of the Rate Case Rules requires that an application filed pursuant to Code § 56-585.1 A 6 include Schedule 45, "Return on Equity Peer Group Benchmark," with the utility's direct testimony. Rule 90 of the Rate Case Rules states that Schedule 45 must include "documentation supporting the return on equity benchmark proposed pursuant to § 56-585.1 A 2 a and b of the Code" In support of its request for waiver of Schedule 45, Dominion notes that it has filed its 2019 ROE Application, which seeks approval of a 10.75% ROE to be applied to the Company's § 56-585.1 A 5 and § 56-585.1 A 6 rate adjustment clauses, including Rider R.¹⁴ Dominion indicates that, in this proceeding, it is requesting that the general ROE of 10.75%, as sought by the Company in its 2019 ROE Application, be used to calculate the Projected Cost Recovery Factor revenue requirement for Rider R.¹⁵ Accordingly, the Company asserts that waiver of this schedule in this proceeding is warranted by judicial economy and efficiency of case administration.¹⁶

¹² Application at 9; Direct Testimony of Emilia L. Catron at 2. *See Application of Virginia Electric and Power Company, For revision of rate adjustment clause: Rider R, Bear Garden Generating Station, Case No. PUR-2018-00085, Doc. Con. Cen. No. 190230210, Final Order (Feb. 27, 2019).*

¹³ Application at 11.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

Finally, in conjunction with the filing of its Application on May 31, 2019, the Company filed the Motion of Virginia Electric and Power Company for Entry of a Protective Ruling ("Motion for Protective Ruling") and a proposed protective ruling that establishes procedures governing the use of confidential information in this proceeding.

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that this matter should be docketed; Dominion should provide public notice of its Application; a public hearing should be scheduled for the purpose of receiving testimony and evidence on the Application; interested persons should have an opportunity to file comments on the Application or participate as a respondent in this proceeding; and the Commission's Staff ("Staff") should be directed to investigate the Application and file testimony and exhibits containing its findings and recommendations thereon.

We also find that a Hearing Examiner should be assigned to conduct all further proceedings in this matter on behalf of the Commission, including ruling on the Company's Motion for Protective Ruling and filing a final report containing the Hearing Examiner's findings and recommendations.

We grant Dominion's request to waive the filing of Schedule 45 for purposes of making the Application complete and commencing this proceeding.

Finally, we grant Dominion's request to litigate issues related to the Company's updated lead/lag study in Case No. PUR-2019-00086, the Rider GV docket, and to apply to the instant proceeding any Commission determination made in Case No. PUR-2019-00086 with respect to the lead/lag study.

Accordingly, IT IS ORDERED THAT:

- (1) This matter is docketed and assigned Case No. PUR-2019-00087.

(2) As provided by Code § 12.1-31 and Rule 5 VAC 5-20-120, *Procedure before Hearing Examiners*, of the Commission's Rules of Practice and Procedure ("Rules of Practice"),¹⁷ a Hearing Examiner is appointed to conduct all further proceedings in this matter on behalf of the Commission.

(3) A public hearing on the Application shall be convened on January 22, 2020, at 10 a.m., in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, to receive the testimony of public witnesses and the evidence of the Company, any respondents, and the Staff. Any person desiring to offer testimony as a public witness at this hearing should appear in the Commission's courtroom fifteen (15) minutes prior to the starting time of the hearing and identify himself or herself to the Commission's Bailiff.

(4) The Company shall make copies of the public version of its Application, as well as a copy of this Order for Notice and Hearing, available for public inspection during regular business hours at each of the Company's business offices in the Commonwealth of Virginia. Copies also may be obtained by submitting a written request to counsel for the Company, Lisa S. Booth, Esquire, Dominion Energy Services, Inc., 120 Tredegar Street, Richmond, Virginia 23219. If acceptable to the requesting party, the Company may provide the documents by electronic means. Copies of the public version of all documents also shall be available for interested persons to review in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, between the hours of 8:15 a.m. and 5 p.m., Monday through Friday, excluding holidays. Interested persons

¹⁷ 5 VAC 5-20-10 *et seq.*

also may download unofficial copies from the Commission's website:

<http://www.scc.virginia.gov/case>.

(5) On or before August 2, 2019, the Company shall cause the following notice to be published as display advertising (not classified) on one occasion in newspapers of general circulation throughout the Company's service territory in Virginia:

NOTICE TO THE PUBLIC OF AN APPLICATION BY
VIRGINIA ELECTRIC AND POWER COMPANY,
FOR REVISION OF RATE ADJUSTMENT CLAUSE:
RIDER R, BEAR GARDEN GENERATING STATION
CASE NO. PUR-2019-00087

- **Virginia Electric and Power Company d/b/a Dominion Energy Virginia ("Dominion") has applied for approval to revise its rate adjustment clause, Rider R.**
- **Dominion requests a total revenue requirement of \$49.3 million for its 2020 Rider R.**
- **A Hearing Examiner appointed by the Commission will hear the case on January 22, 2020, at 10 a.m.**
- **Further information about this case is available on the State Corporation Commission's website at: <http://www.scc.virginia.gov/case>.**

On May 31, 2019, Virginia Electric and Power Company d/b/a Dominion Energy Virginia ("Dominion" or "Company"), pursuant to § 56-585.1 A 6 of the Code of Virginia ("Code"), filed with the State Corporation Commission ("Commission") an annual update of the Company's rate adjustment clause, Rider R ("Application"). Through its Application, the Company seeks to recover costs associated with the Bear Garden Generating Station ("Bear Garden Project" or "Project"), a natural gas- and oil-fired combined-cycle electric generating facility and associated transmission interconnection facilities located in Buckingham County, Virginia.

In 2009, the Commission approved Dominion's construction and operation of the Bear Garden Project and also approved a rate adjustment clause, designated Rider R, for the Company to recover costs associated with the construction of the Project. The Bear Garden Project became fully operational in May 2011.

In this proceeding, Dominion has asked the Commission to approve Rider R for the rate year beginning April 1, 2020, and ending March 31, 2021 ("2020 Rate Year"). The two components of the proposed total revenue requirement for the 2020 Rate Year are the Projected Cost Recovery Factor and the Actual Cost True-Up Factor. The Company is requesting a Projected Cost Recovery Factor revenue requirement of \$57,916,000 and an Actual Cost True-Up Factor revenue requirement of (\$8,661,000). Thus, the Company is requesting a total revenue requirement of \$49,256,000 for service rendered during the 2020 Rate Year. Dominion notes that it calculated this revenue requirement using an updated lead/lag study and requests that any issues related to the updated lead/lag study be litigated in Case No. PUR-2019-00086, the Rider GV docket.

For purposes of calculating the Projected Cost Recovery Factor in this case, Dominion utilized an enhanced rate of return on common equity ("ROE") of 11.75%. This ROE comprises a general ROE of 10.75%, for which the Company has requested Commission approval in Case No. PUR-2019-00050, plus a 100 basis point enhanced return applicable to a combined-cycle generating station as described in Code § 56-585.1 A 6. For purposes of calculating the Actual Cost True-Up Factor, the Company utilized an enhanced ROE of 10.2%. This ROE comprises the general ROE of 9.2% for the period of January 1, 2018, through December 31, 2018, as approved by the Commission in its November 29, 2017 Final Order in Case No. PUR-2017-00038, plus the 100 basis point enhanced return.

If the proposed Rider R for the 2020 Rate Year is approved, the impact on customer bills would depend on the customer's rate schedule and usage. According to Dominion, implementation of its proposed Rider R on April 1, 2020, would decrease the bill of a residential customer using 1,000 kilowatt hours per month by approximately \$0.12. The Company indicates it has calculated the proposed Rider R rates in accordance with the same methodology as used for rates approved by the Commission in the most recent Rider R proceeding, Case No. PUR-2018-00085, though certain parameters have changed due to competitive market conditions and

the option for Large General Service customers to select a competitive service provider.

Interested persons are encouraged to review the Application and supporting documents for the details of these and other proposals.

TAKE NOTICE that the Commission may apportion revenues among customer classes and/or design rates in a manner differing from that shown in the Application and supporting documents and thus may adopt rates that differ from those appearing in the Company's Application and supporting documents.

The Commission entered an Order for Notice and Hearing that, among other things, scheduled a public hearing on January 22, 2020, at 10 a.m., in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, to receive testimony from members of the public and evidence related to the Application from the Company, any respondents, and the Commission's Staff. Any person desiring to testify as a public witness at this hearing should appear fifteen (15) minutes prior to the starting time of the hearing and contact the Commission's Bailiff.

The Commission's Order for Notice and Hearing also granted Dominion's request to litigate any issues related to the Company's updated lead/lag study in Case No. PUR-2019-00086, the Rider GV docket. More information on Case No. PUR-2019-00086, including a copy of the Commission's Order for Notice and Hearing issued in that proceeding, may be found on the Commission's website: <http://www.scc.virginia.gov/case>.

The public version of the Company's Application, as well as the Commission's Order for Notice and Hearing, are available for public inspection during regular business hours at each of the Company's business offices in the Commonwealth of Virginia. Copies also may be obtained by submitting a written request to counsel for the Company, Lisa S. Booth, Esquire, Dominion Energy Services, Inc., 120 Tredegar Street, Richmond, Virginia 23219. If acceptable to the requesting party, the Company may provide the documents by electronic means.

Copies of the public version of the Application and other documents filed in this case also are available for interested persons to review in the Commission's Document Control Center

located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, between the hours of 8:15 a.m. and 5 p.m., Monday through Friday, excluding holidays. Interested persons also may download unofficial copies from the Commission's website: <http://www.scc.virginia.gov/case>.

On or before January 15, 2020, any interested person wishing to comment on the Company's Application shall file written comments on the Application with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. Any interested person desiring to file comments electronically may do so on or before January 15, 2020, by following the instructions on the Commission's website: <http://www.scc.virginia.gov/case>. Compact discs or any other form of electronic storage medium may not be filed with the comments. All such comments shall refer to Case No. PUR-2019-00087.

On or before November 1, 2019, any person or entity wishing to participate as a respondent in this proceeding may do so by filing a notice of participation. If not filed electronically, an original and fifteen (15) copies of the notice of participation shall be submitted to the Clerk of the Commission at the address above. A copy of the notice of participation as a respondent also must be sent to counsel for the Company at the address set forth above. Pursuant to Rule 5 VAC 5-20-80 B, *Participation as a respondent*, of the Commission's Rules of Practice and Procedure ("Rules of Practice"), any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by Rule 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUR-2019-00087.

On or before November 26, 2019, each respondent may file with the Clerk of the Commission, and serve on the Commission's Staff, the Company, and all other respondents, any testimony and exhibits by which the respondent expects to establish its case, and each witness's testimony shall include a summary not to exceed one page. If not filed electronically, an original and fifteen (15) copies of such testimony and exhibits shall be submitted to the Clerk of the Commission at the address above. In all filings, respondents shall comply with the Commission's Rules of Practice, including 5 VAC 5-20-140, *Filing and service*, and 5 VAC

5-20-240, *Prepared testimony and exhibits*. All filings shall refer to Case No. PUR-2019-00087.

All documents filed with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice.

The Commission's Rules of Practice may be viewed at <http://www.scc.virginia.gov/case>. A printed copy of the Commission's Rules of Practice and an official copy of the Commission's Order for Notice and Hearing in this proceeding may be obtained from the Clerk of the Commission at the address above.

VIRGINIA ELECTRIC AND POWER COMPANY

(6) On or before August 2, 2019, the Company shall serve a copy of this Order for Notice and Hearing on the following officials, to the extent the position exists, in each county, city, and town in which the Company provides service in the Commonwealth of Virginia: the chairman of the board of supervisors of each county; the mayor or manager (or equivalent official) of every city and town; and the county, city, or town attorney. Service shall be made by either personal delivery or first class mail to the customary place of business or residence of the person served.¹⁸

(7) On or before August 30, 2019, the Company shall file proof of the notice and service required by Ordering Paragraphs (5) and (6), including the name, title, and address of each official served, with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118.

¹⁸ Service may also be made electronically if a locality has submitted a written request to the Company for electronic service, pursuant to the Commission's April 19, 2016 Order in Case No. PUE-2016-00039. *See Petition of Virginia Electric and Power Company, For a continuing waiver of 20 VAC-5-201-10 J of the Rules Governing Utility Rate Applications and Annual Informational Filings to permit electronic service to local officials upon request*, Case No. PUE-2016-00039, Doc. Con. Cen. No. 160420194, Order (Apr. 19, 2016).

(8) On or before January 15, 2020, any interested person may file written comments on the Application with the Clerk of the Commission at the address shown in Ordering Paragraph (7). Any interested person desiring to submit comments electronically may do so on or before January 15, 2020, by following the instructions found on the Commission's website: <http://www.scc.virginia.gov/case>. Compact discs or any other form of electronic storage medium may not be filed with the comments. All comments shall refer to Case No. PUR-2019-00087.

(9) On or before November 1, 2019, any person or entity wishing to participate as a respondent in this proceeding may do so by filing a notice of participation. If not filed electronically, an original and fifteen (15) copies of the notice of participation shall be submitted to the Clerk of the Commission at the address set forth in Ordering Paragraph (7). The respondent simultaneously shall serve a copy of the notice of participation on counsel to the Company at the address in Ordering Paragraph (4). Pursuant to Rule 5 VAC 5-20-80 B, *Participation as a respondent*, of the Commission's Rules of Practice, any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUR-2019-00087.

(10) Within five (5) business days of receipt of a notice of participation as a respondent, the Company shall serve upon each respondent a copy of this Order for Notice and Hearing, a copy of the public version of the Application, and a copy of the public version of all materials

filed by the Company with the Commission, unless these materials already have been provided to the respondent.

(11) On or before November 26, 2019, each respondent may file with the Clerk of the Commission at the address set forth in Ordering Paragraph (7) and serve on the Staff, the Company, and all other respondents, any testimony and exhibits by which the respondent expects to establish its case, and each witness's testimony shall include a summary not to exceed one page. If not filed electronically, an original and fifteen (15) copies of such testimony and exhibits shall be submitted to the Clerk of the Commission. In all filings, the respondent shall comply with the Commission's Rules of Practice, including 5 VAC 5-20-140, *Filing and service*, and 5 VAC 5-20-240, *Prepared testimony and exhibits*. All filings shall refer to Case No. PUR-2019-00087.

(12) The Staff shall investigate the Application. On or before December 13, 2019, the Staff shall file with the Clerk of the Commission an original and fifteen (15) copies of its testimony and exhibits, and each Staff witness's testimony shall include a summary not to exceed one page. The Staff shall serve a copy thereof on counsel to Dominion and all respondents.

(13) On or before January 8, 2020, Dominion shall file with the Clerk of the Commission: (a) any rebuttal testimony and exhibits that it expects to offer, and each rebuttal witness's testimony shall include a summary not to exceed one page; and (b) a summary not to exceed one page of each direct witness's testimony if not previously included therewith. The Company shall serve a copy of the testimony and exhibits on the Staff and all respondents. If not filed electronically, an original and fifteen (15) copies of such rebuttal testimony and exhibits shall be submitted to the Clerk of the Commission at the address set forth in Ordering Paragraph (7).

(14) All documents filed with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice.

(15) The Commission's Rule of Practice 5 VAC 5-20-260, *Interrogatories or requests for production of documents and things*, shall be modified for this proceeding as follows: responses and objections to written interrogatories and requests for production of documents shall be served within seven (7) calendar days after receipt of the same. In addition to the service requirements of 5 VAC 5-20-260, on the day that copies are filed with the Clerk of the Commission, a copy of the interrogatory or request for production shall be served electronically, or by facsimile, on the party to whom the interrogatory or request for production is directed or the assigned Staff attorney if the interrogatory or request for production is directed to the Staff.¹⁹ Except as modified above, discovery shall be in accordance with Part IV of the Commission's Rules of Practice, 5 VAC 5-20-240 *et seq.*

(16) The Company's request for waiver of the requirements of 20 VAC 5-201-60 and 20 VAC 5-201-90 for filing Schedule 45 is granted as set forth in this Order.

(17) The Company's request to litigate issues related to the Company's updated lead/lag study in Case No. PUR-2019-00086 is granted as set forth in this Order.

(18) This matter is continued.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to:

Lisa R. Crabtree, Esquire, and Lauren E. Wood, Esquire, McGuireWoods LLP, Gateway Plaza, 800 East Canal Street, Richmond, Virginia 23219; Lisa S. Booth, Esquire, Dominion Energy

¹⁹ The assigned Staff attorney is identified on the Commission's website: <http://www.scc.virginia.gov/case>, by clicking "Docket Search," and clicking "Search Cases," and entering the case number, PUR-2019-00087, in the appropriate box.

Services, Inc., 120 Tredegar Street, Richmond, Virginia 23219; and C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of the Attorney General, 202 N. 9th Street, 8th Floor, Richmond, Virginia 23219-3424. A copy also shall be delivered to the Commission's Office of General Counsel and Divisions of Public Utility Regulation and Utility Accounting and Finance.

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